

REMARKS

The present application has been reviewed in light of the Non-Final Office Action dated September 11, 2007. Claims 22, 50-52, 55, 56, 59, 65 and 66 are amended. Claims 1-21, 38-46, 49, 62, 67 and 74 are cancelled without intending to abandon or to dedicate to the public any patentable subject matter. Accordingly, Claims 22-37, 47, 48, 50-61, 68-73 and 75-79 are now pending.

In the Office Action, the Examiner has indicated that Claims 49, 62 and 74 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form. The Examiner has rejected Claims 65 and 79 under 35 U.S.C. §102(e), as being anticipated by United States Patent No. 6,990,353 to Florkey et al. ("Florkey"). Claims 22-33, 35-37, 52-58 and 78 are rejected under 35 U.S.C. § 103(a) as being unpatentable over United States Patent No. 7,197,124 to Hutchinson IV ("Hutchinson"). Claims 34, 47, 48, 50, 51, 59-61, 63-64, 66, 72, 73 and 77 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Hutchinson in view of Florkey. Additionally, Claims 67-71, 75 and 76 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Florkey in view of Hutchinson. The Examiner has rejected Claims 78 and 79 under 35 U.S.C. §101, as being directed to non-statutory subject matter. As set forth herein, reconsideration and withdrawal of the rejections of the claims are respectfully requested.

Allowable Subject Matter

Initially, the Applicants would like to thank the Examiner for the indication of allowable subject matter. In that regard, Independent Claims 22, 52 and 65 have been amended to incorporate the elements of allowable dependent claims. In particular, Claim 22 has been amended to incorporate the elements of Claim 49. Claim 52 has been amended to incorporate the elements of Claim 62. Claim 65 has been amended to incorporate the elements of Claim 74. The Examiner has stated that the Claims 49, 62 and 74 would be allowable if rewritten independent form, including all the limitations of intervening claims. However, it respectfully submitted that the elements of Claims 49, 62 and 74, considered apart from the intervening claims, provide a patentable distinction over the cited prior art. In particular, neither Hutchinson nor Florkey disclose or suggest

determining that an incoming text communication is not intended to be forwarded to a subscriber, determining that the feature invocation in the incoming text is authorized, and parsing the incoming text for comparison with a list of known features or feature activators. Accordingly, it is respectfully submitted that neither Hutchinson nor Florkey, considered alone or in combination, teach or suggest at least the above feature of Independent Claims 22, 52 and 65, as amended. Accordingly, reconsideration and withdrawal of the rejections of the claims as anticipated by and/or obvious over the cited prior art is respectfully requested.

Rejections Claims 78 and 79 under 35. U.S.C. §101

In the Office Action, the Examiner has stated that Claims 78 and 79 are directed to non-statutory subject matter because the specification does not define a computer readable medium. The specification recites a switch or server that includes a processor provided in association with a memory at, for example, pg. 13 ln.15-22. Additionally, a stored program controlled switch or server is recited at, for example, pg. 14 ln.8-10. It is respectfully submitted that such terms would be understood by one of ordinary skill in the art to include a computer readable medium. Accordingly, reconsideration and withdrawal of the rejection under 35. U.S.C. §101 are respectfully requested.

Based on the foregoing, Applicants believe that all pending claims are in condition for allowance and such disposition is respectfully requested. In the event that a telephone conversation would further prosecution and/or expedite allowance, the Examiner is invited to contact the undersigned.


Respectfully submitted,

SHERIDAN ROSS P.C.

Date:

12-11-2007

By:


Brian J. Ignat
Reg. No. 57,174
1560 Broadway, Suite 1200
Denver, Colorado 80202
Telephone: 303-863-9700